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In re Application of GROVER	:	
U.S. Application No.: 10/561,308	:	
PCT Application No.: PCT/IB04/01791	:	
Int. Filing Date: 21 May 2004	:	DECISION
Priority Date Claimed: 31 May 2003	:	
Attorney Docket No.: GB03 0082 US	:	
For: TERMINATION STRUCTURES FOR	:	
SEMICONDUCTOR DEVICES AND THE	:	
MANUFACTURE THEREOF	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 17 January 2008.

BACKGROUND

On 21 May 2004, applicant filed international application PCT/IB04/01791, which claimed priority of an earlier United Kingdom application filed 31 May 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 09 December 2004. The thirty-month period for paying the basic national fee in the United States expired on 30 November 2005.

International application PCT/IB04/01791 became abandoned as to the United States for failure to timely pay the basic national fee.

On 19 December 2005, applicant a present petition under 37 CFR 1.137(b).

On 10 January 2006, this Office mailed a decision granting the 19 December 2005 petition.

On 24 January 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

The present national stage application became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 17 January 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 21 May 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 January 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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